

KAUA'I PLANNING COMMISSION
REGULAR MEETING
September 22, 2015

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Vice Chair Mahoney at 9:06 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Vice Chair Sean Mahoney
Mr. Louis Abrams
Mr. Wayne Katayama
Ms. Amy Mendonca
Mr. Kimo Keawe
Mr. Roy Ho

Absent and Excused:
Chair Angela Anderson

The following staff members were present: Planning Department – Michael Dahilig (left at 10:30 a.m.), Leslie Takasaki, Kaaina Hull, Marisa Valenciano, Jody Galinato; Deputy County Attorney Jodi Higuchi-Sayegusa, Office of Boards and Commissions – Administrator Jay Furfaro, Commission Support Clerk Darcie Agaran

Prior to the start of the meeting, Council Administrative Assistant Eddie Topenio gave the Oath of Office to new Commission Member Roy Ho.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Vice Chair Mahoney called the meeting to order at 9:06 a.m.

ROLL CALL

Planning Director Michael Dahilig: Commissioner Abrams?

Mr. Abrams: Here.

Mr. Dahilig: Commissioner Ho?

Mr. Ho: Here.

Mr. Dahilig: Commissioner Katayama?

Mr. Katayama: Here.

Mr. Dahilig: Commissioner Keawe?

Mr. Keawe: Here.

Mr. Dahilig: Vice Chair Mahoney?

Vice Chair Mahoney: Here.

Mr. Dahilig: Commissioner Mendonca?

Ms. Mendonca: Here.

Mr. Dahilig: Chair Anderson? Mr. Chair, you have six (6) members present.

Vice Chair Mahoney: Thank you.

APPROVAL OF THE AGENDA

Mr. Dahilig: You are on the Approval of the Agenda this morning, Mr. Chair. The Department has no recommended additions or modifications to the agenda.

Vice Chair Mahoney: Do I have a motion?

Mr. Abrams: Move to approve.

Mr. Keawe: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Agenda is approved 6:0.

MINUTES of the meeting(s) of the Planning Commission (NONE)

Mr. Dahilig: Thank you, Mr. Chair. We are now on the Minutes of the Meetings of the Planning Commission. We have none for approval this morning.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Dahilig: We are on Item E, Receipt of Items for the Record. Mr. Chair, we do have two (2) supplements that have been provided to the Commission by paper. These are related to the Rodger's, Mahon, Hansen Trust, and Kingsley matters.

Mr. Chair, the Department would recommend receiving these items for the record this morning.

Vice Chair Mahoney: Do I have a motion to receive?

Ms. Mendonca: So moved.

Mr. Abrams: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing (NONE)

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item F, which is Hearings and Public Comment. F.1., we do not have any Continued Agency Hearings this morning.

New Agency Hearing

Special Management Area Use Permit SMA(U)-2016-1, Class IV Zoning Permit Z-IV-2016-2, Use Permit U-2016-2 and Special Permit SP-2016-1 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Kūhiō Highway in Wainiha, situated approx. ¼-mile mauka of the Ananalū Road/Kūhiō Highway intersection and further identified as 4636-B Ananalū Road, Tax Map Key 5-8-006:010, and containing a total area of 2.52 acres = Michael Rodger.

Mr. Dahilig: Item F.2., New Agency Hearing. Item F.2.a. was withdrawn by the receipt of items for the record, so there is no agency hearing for Special Management Area Use Permit SMA(U)-2016-1, Class IV Zoning Permit Z-IV-2016-2, Use Permit U-2016-2, and Special Permit SP-2016-1.

Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalāheo, situated approx. 500 ft. makai of the Ulu Alii/Waha Road intersection and further identified as 3913 Ulu Alii Street, Tax Map Key 2-3-015:061, and containing a total area of 10,098 sq. ft. = Monica Jean Adams-Hansen Trust.

Mr. Dahilig: We are now on Item F.2.b. This is Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1. Again, this is to allow a conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalāheo, situated approximately 500 feet makai of the Ulu Alii Street/Waha Road intersection and further identified as 3913 Ulu Alii Street, Tax Map Key 2-3-015 parcel 61, and containing a total area of 10,098 square feet. Again, the applicant is the Monica Jean Adams-

Hansen Trust. Mr. Chair, there is a supplemental Director's Report for this matter that was received this morning, as well as the Director's Report received on 09/08/15.

The Department would recommend opening the agency hearing at this time.

Vice Chair Mahoney: Move to open the agency hearing.

Mr. Keawe: So moved.

Mr. Dahilig: Mr. Chair, we don't have anybody signed up to testify for this particular agency hearing. The Department would recommend making a final call for any testimony pursuant to the posting this morning.

Vice Chair Mahoney: Are there any members of the public that would like to testify on this agenda matter?

Hearing none.

Mr. Dahilig: Mr. Chair, the Department would recommend closing the agency hearing at this time.

Mr. Abrams: Move to close the agency hearing.

Ms. Mendonca: Second.

Vice Chair Mahoney: It's been moved and seconded to close the agency hearing. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Hearing closed. Motion carries 6:0.

Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lāwa'i, situated approx. 500 ft. east of the Hailima Road/Aka Road intersection and further identified as 3922 Aka Road, Tax Map Key 2-6-013:026, and containing a total area of 8,050 sq. ft. = Patrick & Judy Mahon.

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item F.2.c. This is Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37. This is to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lāwa'i, situated approximately 500 feet east of the Hailima Road/Aka Road intersection and further identified as 3922 Aka Road, Tax Map Key 2-6-013:026, and containing a total area of 8,050 square feet. The applicants are Patrick and Judy Mahon. There is a Director's Report that was received and this is being reposted pursuant to posting errors previously for the previous agency hearing.

Mr. Chair, the Department would recommend opening the agency hearing for this application at this time.

Mr. Chair, the Department does not have anybody signed up to testify on this matter. The Department would recommend making a final call for any testimony pursuant to the posting this morning.

Vice Chair Mahoney: Are there any members of the public that would like to testify on this agenda item?

Mr. Dahilig: I just want to clarify that there is a Patrick Mahon that is signed up, but that is the applicant, so we will call the applicant up at the time of testimony.

Patrick Mahon: Patrick Mahon, for the record.

Mr. Dahilig: Mr. Mahon, we'll call you up at the action item. This is just the hearing to receive public comment.

Mr. Mahon: Thank you.

Mr. Dahilig: Mr. Chair, given no further testimony, the Department would recommend closing the agency hearing at this time.

Vice Chair Mahoney: Chair will entertain a motion.

Mr. Abrams: Move to close the agency hearing.

Ms. Mendonca: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Hearing closed. Motion carries 6:0.

Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit (ADU) on a parcel located along the mauka side of Kūhiō Highway in Wainiha, situated approx. 300 ft. mauka of the Ananalū Road/Kūhiō Highway intersection, further identified as 4541 Ananalū Road, Tax Map Key 5-8-006:065, and containing a total land area of 1.156 acres = Chuck Linebaugh.

Mr. Dahilig: Thank you, Mr. Chair. We are on Item F.2.d., Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit on a parcel located along the mauka side of Kūhiō Highway in Wainiha, situated approximately 300 feet mauka of the Ananalū Road/Kūhiō Highway intersection, further identified as 4541 Ananalū Road, Tax Map Key 5-8-006 parcel 65, and containing a total land area of 1.156 acres. The applicant is Chuck Linebaugh. There's a Director's Report and a supplemental that was received by this Commission, Mr. Chair.

The Department would recommend opening the agency hearing at this time.

Vice Chair Mahoney: Are there any members of the public that would like to testify on this agenda item?

Mr. Dahilig: Mr. Chair, given that nobody has signed up to testify, as well as nobody has elected to testify on this agency hearing, the Department would recommend closing the agency hearing at this time.

Vice Chair Mahoney: Chair will entertain a motion.

Mr. Keawe: So moved.

Mr. Abrams: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0.

Mr. Dahilig: Mr. Chair, thank you. Those were all of the agency hearings for this morning.

Continued Public Hearing

A-2015-1: Request for State Land Use District Boundary Amendment from
Agricultural District to Rural District.

ZA-2015-6: Request for County Zoning Amendment from Agriculture District (A) to
Residential District (R-1).

Location: Kalāheo, Kauaʻi. Located along the western side of Puʻu Road, approx. a quarter (1/4) mile west of the Puʻu Road/Papalina Road intersection and immediately adjacent to property identified as 2205 Puʻu Road, and containing a total area of 3.26 acres. Tax Map Key (4) 2-3-004: 006 = Gregory R. Kingsley, et al.

Mr. Dahilig: We are now on Continued Public Hearings under Item F.3. F.3.a., this is A-2015-1 and ZA-2015-6. This is a request to change the State Land Use Boundary Amendment from Agricultural to Rural District, as well as County Zoning Amendment to change Agriculture District to Residential District (R-1). This is in Kalāheo, along the western side of Puʻu Road, approximately a quarter mile west of the Puʻu Road/Papalina Road intersection and immediately adjacent to the property identified as 2205 Puʻu Road, and containing a total area of 3.26 acres. Tax Map Key (4) 2-3-004 parcel 6. Applicant is Gregory R. Kingsley, et al.

Mr. Chair, there is a request from the applicants to defer this matter another two (2) weeks. Given that there will not be a Planning Commission meeting the second Tuesday of October, the Department would recommend moving this to the second meeting in October, which is the fourth Tuesday in October. Other than that, the Department would recommend, and you can call for any testimony pursuant to HRS 92. If there is none, the Department would recommend deferring the matter until the second meeting in October.

Vice Chair Mahoney: Is there any testimony from the public regarding this agenda item?

Hearing none. Chair will entertain a motion.

Mr. Abrams: Move to defer Kingsley application to October 27th.

Mr. Keawe: Second.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0.

New Public Hearing (NONE)

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item F.4. This is New Public Hearings. We have none for this morning. And that completes the calendar.

CONSENT CALENDAR

Status Reports (NONE)

Director's Report(s) for Project(s) Scheduled for Agency Hearing, October 13, 2015.
(NONE)

Mr. Dahilig: Under Item G, this is the Consent Calendar. Mr. Chair, we have no Status Reports, nor Director's Reports for October 13th due to no meeting being on that week.

EXECUTIVE SESSION (NONE)

Mr. Dahilig: There are no Executive Sessions that are scheduled for today.

GENERAL BUSINESS MATTERS

Amendment to Class IV Zoning Permit Z-IV-2014-12, Use Permit U-2014-11 and Variance Permit V-2014-3 pertaining to Condition No. 7 that would allow additional time to complete construction of a cellular telecommunications facility, Tax Map Key (4) 3-4-005: 018, Puhi, Kaua'i = Verizon Wireless.

Mr. Dahilig: We are now on Item I. This is General Business. Amendment to Class IV Zoning Permit Z-IV-2014-12, Use Permit U-2014-11, and Variance Permit V-2014-3. This is pertaining to Condition No. 7 that would allow additional time to complete construction of a cellular telecommunications facility at Tax Map Key (4) 3-4-005 parcel 18 in Puhi, Kaua'i. Applicant is Verizon Wireless. There is a Director's Report to the matter.

Our Planner on this is Marisa Valenciano, and she will be presenting the Director's findings on behalf of the Department.

Staff Planner Marisa Valenciano: Good morning, Chair and members of the Commission. I'm going to go ahead, and if it's okay with you, read my entire report including the background, the request, evaluation, and move on to the recommendation. Is that okay?

Vice Chair Mahoney: Yes.

Ms. Valenciano: Okay.

Ms. Valenciano read the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: This concludes my Director's Report for this amendment. Thank you.

Vice Chair Mahoney: Thank you. Are there any questions for the Planner?

Mr. Keawe: Marisa, how long is the construction going to take? What did they represent, as far as construction time?

Ms. Valenciano: I believe the Applicant is here. I might defer that to him.

Is the Applicant here today?

Vice Chair Mahoney: State your name for the record, please.

Jesse Burgess: Jesse Burgess, representing Verizon Wireless.

Mr. Keawe: I'll repeat the question. How long do you anticipate the construction to take, start to finish, once you get your funding?

Mr. Burgess: We anticipate construction to take sixty (60) to ninety (90) days, and we anticipate starting around mid-December, provided that this is...

Mr. Keawe: Mid-December of this year?

Mr. Burgess: Yes.

Mr. Keawe: Okay. I remember reading the letter saying you won't get your funding until 2016.

Mr. Burgess: The allocation for capital would be coming through in 2016, which is probably about the time that it would be completed.

Mr. Keawe: Okay. No further questions.

Vice Chair Mahoney: Are there any other questions from the Commissioners to the Applicant?

Mr. Katayama: Chair. Hi, good morning.

Mr. Burgess: Good morning.

Mr. Katayama: Just as a form of process for us, and I understand you're representing Verizon?

Mr. Burgess: Yes.

Mr. Katayama: How does the funding cycle for these projects tie in with your representation when you come before this body for permitting action? Again, there was, I guess, some representation made by whoever it was, you know, applying for the permit that these projects would be done well within whatever horizon that was asked for and approved by the Commission at that time. Has that changed? Or what is the process that is in place that you can share with us, internally with Verizon that caused this kind of pushback? I assume that in the grand scheme of their capital, this is sort of a modest amount.

Mr. Burgess: Well, my representation of how I can characterize Verizon's allocation of capital is pretty limited. I'm a contractor for Verizon, and we get the zoning and building permits long ahead of the time that the expenditures are actually made. What I can say is that in this case, the capital plan for this region ended up essentially being accelerated. Other emergency funding required capital expenditures, so this one got pushed back to 2016. I mean, there's a General Plan, but those aren't always followed because there is a lot of other things that come up that require capital expenditures on behalf of Verizon.

I'm not sure if that really answers your question. I'm not sure how much I can really speak to the internal mechanics of how Verizon allocates their capital expenditures, but I can say that generally the process that we have to...I mean, we anticipate that there is going to be funding when we start applying with zoning and with building permits, but sometimes that doesn't always work out because of other factors.

Mr. Katayama: In terms of service improvement with the addition of this site, was one of the, sort of, reasons given for asking for these permits or the location? So that improvement in service is okay to be pushed back from Verizon's view?

Mr. Burgess: Well, Verizon is always interested in accelerating the pace of expanding its services to its customers. It's just that sometimes other priorities take precedence.

Mr. Keawe: I'm sorry. So you're saying that the money that was funded for this particular project got usurped by another project?

Mr. Burgess: Probably.

Mr. Keawe: So in the future, I think Commissioner Katayama and I have the same concern, you are going to come in with another request and you are going to assume you have funding for this, but we have no guarantee or any kind of confirmation that you will actually get those dates met because it all depends on funding.

Mr. Burgess: Well, the vast majority of the time we do have the money allocated and it's not an issue. Every now and then something does come up and we're going to have to ask (inaudible).

Mr. Keawe: So the frequency will be infrequent is what you're saying?

Mr. Burgess: Yes.

Vice Chair Mahoney: Any further questions for the Applicant?

Mr. Katayama: (Inaudible)

Vice Chair Mahoney: Is there a motion on the floor from the Commissioners? The Chair will entertain a motion.

Mr. Keawe: Is it time to make a motion?

Vice Chair Mahoney: If there's no further testimony or questions from the Applicant.

Mr. Keawe: I move to approve the extension of the permit until November 27, 2016.

Mr. Katayama: Second.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0. Thank you.

COMMUNICATION (For Action) (NONE)

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item J. This is Communications for Action. We have none.

COMMITTEE REPORTS

Subdivision

Mr. Dahilig: Item K, Committee Reports. This is the Subdivision action and report from the Subdivision Committee.

Mr. Abrams: Subdivision Report No. 3. Committee members Mahoney, Abrams, and Mendonca were present. We approved two (2) tentative subdivision actions; S-2016-2, Kukui'ula Development, approved as amended 3:0. The second was Subdivision 2016-3, Judith Page Trustee, approved 3:0. We had one (1) final subdivision approval; S-2013-5, Kenneth Souza, approved 3:0. That concludes my Subdivision report.

Vice Chair Mahoney: Thank you. Is there a motion to accept the report?

Ms. Mendonca: So moved.

Vice Chair Mahoney: Do I hear a second?

Mr. Katayama: Second.

Vice Chair Mahoney: Any further discussion?

Mr. Katayama: Again, just sort of clarification on S-2016-2, recommendation approved as amended. What was the amendment?

Mr. Abrams: The amendment was on the main road going into this new subdivision. There were two (2) lots that were fronting the road, and one (1) of them, they wanted to have the ability to possibly, with approval from the Public Works Department, access off of that main road where normally the condition was to not allow any access off of that road. So we amended it and said that if they can work that out with Public Works that would be acceptable.

Mr. Katayama: Could you give the reference on that on the tentative conditions?

Mr. Abrams: Yes. One sec.

Mr. Katayama: It's hard to find on this.

Mr. Abrams: Yes. It was 1.d.

Mr. Katayama: Okay.

Mr. Abrams: We left all of the actual conditions that's written there and added in, access onto Lot 19 may be permissible provided Public Works approves.

Mr. Katayama: Okay, great. Thank you.

Mr. Abrams: And they had provided us with a map showing us the schematic that look like that, so if you want to take a look at that after.

Vice Chair Mahoney: Any further discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0.

UNFINISHED BUSINESS (For Action)

Letter (7/13/15) from Max Graham, Esq., confirming next status report for SMA(U)-2008-5, Use Permit U-2008-4 and Class IV Zoning Permit Z-IV-2008-6 in the matter of Charles Somers, as Trustee of the Charles Somers Living Trust dated November 12, 2002, and West Sunset 32 Phase I LLC is scheduled for September 22, 2015.

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item L.1. This is a letter dated 07/13/15 from Max Graham, Esq., confirming the next status report for SMA(U)-2008-5, Use Permit U-2008-4, and Class IV Zoning Permit Z-IV-2008-6 in the matter of Charles Somers, as a Trustee of the Charles Somers Living Trust dated November 12, 2002, and West Sunset 32 Phase 1 LLC is scheduled for September 22, 2015.

There is a letter from Mr. Graham requesting deferral of this Commission review of the seventh annual Status Report for the reasons as listed in the letter to the next available Planning Commission meeting, again, which is October 27, 2015. The Department would concur with Mr. Graham's request and leave it up to the Commission's discretion to grant a deferral if warranted.

Vice Chair Mahoney: Okay. Commissioners, is there a motion on the floor?

Mr. Abrams: Move to approve deferral.

Mr. Keawe: Second.

Mr. Abrams: To October 27th.

Vice Chair Mahoney: It's been moved and seconded to defer to October 27, 2015. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0.

Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated approx. ¾ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. =
Karen Hillstrom.

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item L.2. This is Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, and Use Permit U-2015-41. This is the conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated ¾ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013 parcel 7, and containing a total area of 11,481 square feet. The applicant is Karen Hillstrom.

Mr. Chair, there is a letter dated 09/02/15 from Ms. Hillstrom withdrawing her above-referenced application. The Department would have no objections to her withdrawing the application, and recommend to the Commission that it receive the letter and approve her withdrawal.

Vice Chair Mahoney: Okay. Is there a motion on the floor?

Mr. Abrams: We're approving the withdrawal?

Mr. Dahilig: Yes, receive and (inaudible).

Vice Chair Mahoney: Receive and withdraw.

Mr. Abrams: Move to receive and withdraw the SMA Use Permit SMA(U)-2015-10, Karen Hillstrom. Oh excuse me, SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, and Use Permit U-2015-41.

Ms. Mendonca: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion on the matter? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0. Thank you.

NEW BUSINESS

Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalāheo, situated approx. 500 ft. makai of the Ulu Alii Street/Waha Road intersection and further identified as 3913 Ulu Alii Street, Tax Map Key 2-3-015:061, and containing a total area of 10,098 sq. ft. = *Monica Jean Adams-Hansen Trust.*

Mr. Dahilig: Thank you, Mr. Chair. We are now back to New Business. Given the completion of Unfinished Business this morning, we are on action for Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road. The applicant, again, was Monica Jean Adams-Hansen Trust, and Marisa Valenciano is the Planner on this matter.

Vice Chair Mahoney: Can we have the report from the Planner, please?

Ms. Valenciano: Chair, if it's okay, I'm going to go ahead and read my original report that was transmitted to the Commission, and then I'll go back and read a part of my Supplemental No. 1 Report.

Vice Chair Mahoney: Okay.

Ms. Valenciano: Okay, thank you.

Ms. Valenciano read the Actions Required, Project Description and Use, Legal Requirements, Additional Findings, Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: Now I'm going to go back to my Supplement No. 1, and I'm going to be reading the evaluation portion of Supplement No. 1 to Director's Report.

Ms. Valenciano read the Preliminary Evaluation section of the Supplement No. 1 for the record (on file with the Planning Department).

Ms. Valenciano: This concludes my evaluation portion and I'll hold off on the recommendations and conclusions until after. Thank you.

Vice Chair Mahoney: Thank you. Any questions for the Planner?

Hearing none. Is the representative for the Applicant present? Could you state your name for the record, please?

Jonathan Chun: Good morning. Jonathan Chun, on behalf of the applicant. Next to me is the applicant, Monica Adams-Hansen. We have read the preliminary report, along with the addendum. We have a few comments to make; one (1) is that the original plan for the guest room, where the homestay was going to be operated, was approved by the County in the 1990s. The original plan had an interior doorway, which was deleted by the Building Department for whatever reason they did, and that's the reason why there was no interior doorway to that guest room because it was deleted by the County back in 1992, I believe. We provided those plans to the Planning Department for review.

Be that as it may, we have come up with a potential resolution, as opposed to trying to discuss that matter further, and that is, the application says it will be using three (3) of the four (4) bedrooms. The Applicant is willing to just go down, and actually only use one (1) bedroom, so we can amend the proposal to just have one (1) bedroom of the entire house to do that. That would alleviate some of the concerns by the Planning Department. The other thing is the only bedroom they will be using is downstairs, not the guest room that doesn't have the interior, but the downstairs family room, which has an adjoining bedroom also, which is only separated by a Shoji door. That room only has one (1) entrance, and has the stairway going upstairs also, so there's no danger of a lockout on that one. So we would propose, if that's acceptable to the Department as a solution to this situation, to amend the application and just have one (1) bedroom to be used, and the bedroom to be used has an existing interior doorway anyway and the stairway to the upstairs, so there would be no danger of any lockout in that situation. And then we would represent and put something plain in writing that the other bedrooms will not be used for a homestay operation.

Vice Chair Mahoney: Any questions from the Commission?

Mr. Keawe: Marisa, is that acceptable? The amendment?

Deputy Director Kaaina Hull: I don't think that the Department would have any objection to that. However, there is already a standard condition within the recommended conditions of approval requiring that prior to operation, the dwelling be brought into full conformance with Chapter 8 of the Kaua'i County Code. Lacking that interior access to that other guest room,

despite it not being part of the now proposed homestay operation, we would still require that it be met to code prior to operation.

Mr. Chun: As far as that, I mean, okay, so we can send a letter to the Department clearly indicating...and on your floorplan, Exhibit, I believe I. Yes, Exhibit I on the lower floorplan is shown as Bedroom No. 3. So Bedroom No. 3 would be the only bedroom that would be utilized for a homestay. The guest room and the upstairs rooms will not be used for homestay operation, so we can express the...put that in a formal letter to the Department.

The other question though, I'm not quite clear in terms of any need to amend the current plans because the current plans, again, as I represented, the guest room was approved in the current plans; 1992 with the permit, with the stamped plans showing no interior door. So I don't know what needs to be corrected because those plans were already approved.

Mr. Hull: Yeah, and see, preliminarily, the Department would have no objection with the Applicant's request to amend the application, but given what the attorney is stating, we want to double-check then, to see exactly what was approved. So we will request deferral on this matter to essentially ensure that everything is meeting code; not only for the homestay application, but for the entire structure as that structure will be used for transient purposes of the homestay operation.

Mr. Chun: Mr. Chair, if I may, I think the way around that...I mean, I don't have a problem with them checking. I have a copy of the plans; I can provide them with that. The only thing that we could do to just move it forward is to just say "if required" and put that as a condition. "If required", that the Applicant amend its plans so that the structure is in compliance with Chapter 8. It's just that they don't know whether it's required at this point in time, and we have no problem with that.

Vice Chair Mahoney: Is there a response from the Department?

Mr. Hull: Well, I believe these plans were permitted through the emergency permitting after Iniki, and so we have to see what type of standards were being applied at that time, specific to the Iniki Ordinance, and whether or not it requires conformance under the existing Chapter 8 of the Kaua'i County Code now that this new entitlement is being established. I can understand the attorney's request to keep on moving forward, but right now, the Department would still request deferral for further insight into the matter.

Mr. Dahilig: Just for the information for the Commissioners, the 60th day for action is November 7, 2015, so the next meeting would still fall within that action period; if the Commission was just to defer the matter.

Mr. Chun: If the Commission wants, I can circulate a copy of the stamped plans in 1993; stamped by OEP. Also, I think it was stamped by Building Division, Public Works, and...yeah, both was OEP. If the Commission wants; I do have those plans with me today. Again, I mean, that's what I'm saying. They are stamped plans; the County has stamped them. And the only thing is, if we have to, fine, we'll amend it. It's just that I don't understand right now as to why

the amendment to the floorplans need to be done if the current floorplans were approved by the County in 1993. So if that can be articulated, fine.

Mr. Dahilig: Mr. Chair, I want to articulate, just for the Commission, some basic principles in regards to what's happening here. In as much as we have a structure that is approved, it was approved for a residential use. So if there is no need to change the structure and the use...no need to change the use at this juncture and it just remains as a residential unit, that is what they were permitted for and entitled for back in the day. What is changing is that this is no longer a residential use. This is a commercial bed and breakfast use that you are asking to be permitted for. So at this juncture, we would take this opportunity, because of the conversion, to also look at whether or not the structure meets the Code requirements presently of our CZO. The entitlement is still there for them to use it without the door if they want to keep it as a residential use. But we have the obligation that once a use change is coming into effect here, that we also take a look at whether or not the structure is up to code because they are only grandfathered for the use and structure for what was permitted back in the day. So we would ask that we be allowed to do the due diligence to actually just make sure that what is being asked of by the Applicant is not objectionable and contradictory to the CZO, and we can come back with ample time and not have the permit run afoul of the mandatory approval deadlines and have that be resolved so that we are clear on this, versus trying to mandate a solution immediately. I think what Mr. Chun is mentioning is we have the documents, we have the paperwork, we just need a little bit of time as this question is now just being raised on the floor to actually do the due diligence necessary given that this was an Office of Emergency Permit permit. I think that would be the Department's request is that we would be given leave to take a little bit of time to sort this out first before we make a full assertion that yes, we want to move forward with still wanting that interior door reestablished.

Mr. Chun: If I may, one (1) comment on that. That's why we're here today. I understand the change of use; that's why we have an application for a Use Permit and a Class IV Zoning Permit in front of the Department and in front of the Commission to recognize that. So yes, as far as what the Director is saying, that is true. There is a change of use, and there is an application, and that's what you have in front of you. The only question was, as far as the guest room that was approved in 1993, we are taking that out from the application; there is no change of use to that room. And that room was approved in 1993 as a residential use without an interior doorway because the interior door was taken out by the County back in 1993, so that's not an issue. The only question is, is the rest of the room, only Bedroom No. 3 that was being changed in this application, is that in compliance? I don't see anything to show that it's not in compliance because the stamped plans were there. But if the Department wants to look in terms of Bedroom No. 3 being in compliance and looking at to whether or not the 1993 permit impacts it or not, I would suggest not, but if the Planning Department needs more time to look at that, I think be that as it may, they could have some time.

The only request I would make is that the Applicant has been operating this for twenty-three (23) years. Since the law change, understand that, they have voluntarily stopped doing that; they have taken out their only source of income for that. They put their life on hold. They took out their TAT, they suspended the TAT, suspended the GET, took their website down, and they have taken out their source of income because they want to comply with the Department.

Again, I would suggest, if the Department needs more time, even though time is hurting my client, my client would be open to that, as long as we can...if they can get their work done and review, I would think reasonable, by the next Committee (sic) meeting. We can put that on the record today that they will continue to the next meeting, which is October, and we can move forward without having additional time and cost for everybody concerned.

Mr. Keawe: So being there is no meeting on the second week of October, then it's going to be the last right?

Mr. Dahilig: Yes, October 27th.

Mr. Keawe: 27th.

Mr. Chun: So maybe the second week in October.

Mr. Dahilig: Second meeting.

Mr. Chun: Second meeting, second meeting.

Mr. Keawe: But there's no meeting in the second week.

Mr. Dahilig: Wait, wait. Yes, we don't have a meeting in the second week because of HCPO, and that's always been the practice. We don't schedule it because of the HCPO that week. So the next scheduled meeting is October 27th.

Mr. Chun: Okay, yes. So that's the second meeting.

Mr. Dahilig: Yes, second meeting; not week, meeting.

Mr. Keawe: So it's basically a little over thirty (30) days.

Mr. Chun: Right, right. I wanted to just bring that up because, again, I want to emphasize to the Commission that these are people who want to comply. They are people who put their life on hold to be in compliance. They have done everything, what the County wanted, to bring themselves into compliance. I appreciate the Department wanting more time, but at the same time, they need to be sensitive...the County needs to be sensitive to the fact that somebody has put their life on hold; not just weeks, they've done this for months.

So if the County needs time, fine. It's just that please be sensitive to the fact that time is very hurtful for my clients, but they are willing to do that. We prefer, of course, to just say put it as a condition if it needs to be, but if the Department doesn't want to do that, fine. Just be aware that time is not on our side sometimes. Thank you.

Vice Chair Mahoney: Thank you. Any further comment from the Department? Or does the Commissioners have any more questions?

Mr. Keawe: Can you guys do it?

Mr. Hull: Yes, we can look into it.

Mr. Keawe: I mean, it doesn't seem like it's a lot to...

Mr. Hull: It's not much to look into. I mean, we are entertaining this request just like you folks are. It just happened now.

Mr. Keawe: Right. I understand.

Mr. Hull: We've had the application for a few months, but as far as a request to move bedrooms...

Mr. Keawe: It just came on the floor now.

Mr. Hull: Yes, it just came on the floor now.

Mr. Keawe: We understand that. It's just, you know, the time limit.

Mr. Hull: Yes.

Mr. Keawe: Okay.

Vice Chair Mahoney: Is there any further report from the...?

Mr. Dahilig: I believe the Department would stand on its request and recommendation to ask for a deferral until the second meeting in October.

Mr. Katayama: I move to defer this item to the second meeting in October.

Vice Chair Mahoney: Okay.

Ms. Mendonca: I second that.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion? Commissioner Abrams?

Mr. Abrams: I'm inclined to try and want to get it done, so I don't think I would be supporting that deferral request.

Vice Chair Mahoney: Okay.

Mr. Katayama: May I make a comment?

Vice Chair Mahoney: Yes.

Mr. Katayama: I think the reason for my asking for deferral is that whenever we look at permits, we need to look at it holistically. And we need to look at it in a wide enough view that is sort of encompassing the impact on the environment; in this case, the neighborhood. To narrowly look at the Use Permit literally to one (1) room, I think would really hinder the, I guess, our due diligence for the impact on the overall use because the use is not just limited to one (1) room, but as a homestay, I imagine it includes parking, it includes the use of other portions of the residence, which is what we are trying to encourage, I guess, as part of the appeal of doing a homestay in which the owners make themselves available to their guests and that's why we are requiring residents to be available when there are visitors in a homestay unit, as opposed to being independent. I would hope that in the analysis, as the Department has done, would look at it in a field of vision that is appropriate for the use and not just be very narrowly construed as represented by the Attorney, in this case. I think that's my issue.

Vice Chair Mahoney: Thank you.

Mr. Hull: If I can also make a quick statement, particularly for Commissioner Abrams and for the Applicant. Given the proposal that the Department had, and understanding that same-day action is not a standard, necessarily, operation of this Commission or the Department's recommendation, but an understanding being sympathetic to the time issues that some applicants have, we have pushed through recommendations, ultimately if no other issues arise, recommending the same-day action. Now what the Commission has before it is our recommendation on the proposal that we had stating if this is what you are proposing with the guest room that has no interior access, should no other issues arise, the Department has no problem recommending approval to the Commission, contingent upon the Applicant bringing that room into conformance with an interior access way. So, I would put it back to Mr. Chun and state that if you really are looking for same-day action, the Department's recommendation still stands if you want to use that one (1) guest room that you put in that interior access prior to operation, and if they are looking for that type of movement, essentially.

Vice Chair Mahoney: Okay. Any other further comment?

Ms. Mendonca: I also have. My thoughts, basically, is because Mr. Chun commented the fact that his client has waited a long time for this. When this report was submitted to us, it was also submitted to Mr. Chun. Had you seen that at that point, and thought about this change, that might have saved us a little bit more time and we would be able to have made a decision today. But, I have to support Mr. Katayama's motion because it gives our Planners an opportunity to be more cognizant of what other things may develop from this.

Vice Chair Mahoney: Thank you. Any further comment from the Commissioners? Hearing none. Roll call.

Mr. Dahilig: Mr. Chair, the motion on the floor is deferral of Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to the second meeting in October. An "aye" vote is to vote in favor of the motion.

Commissioner Abrams?

Mr. Abrams: Nay.

Mr. Dahilig: Commissioner Ho?

Mr. Ho: Nay.

Mr. Dahilig: Commissioner Katayama?

Mr. Katayama: Aye.

Mr. Dahilig: Commissioner Keawe?

Mr. Keawe: Aye.

Mr. Dahilig: Chair Mahoney?

Vice Chair Mahoney: Aye.

Mr. Dahilig: Commissioner Mendonca?

Ms. Mendonca: Aye.

Mr. Dahilig: Four (4) ayes, two (2) nays, Mr. Chair.

Vice Chair Mahoney: Okay. Motion carries 4:2.

Mr. Chun: Thank you, Mr. Chair.

Vice Chair Mahoney: Thank you.

Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lāwa‘i, situated approx. 500 ft. east of the Hailima Road/Aka Road intersection and further identified as 3922 Aka Road, Tax Map Key 2-6-013:026, and containing a total area of 8,050 sq. ft. = Patrick & Judy Mahon.

Mr. Dahilig: Thank you, Mr. Chair. We are now on Item F.2.c. This is Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road. Again, this is 3922 Aka Road, and the applicants are Patrick and Judy Mahon.

Mr. Chair, Marisa is also the Planner for this particular application.

Ms. Valenciano: Good morning, Chair. If it's okay with you, this report was previously submitted, so I was just going to highlight the proposed use and then stop at the additional findings.

Vice Chair Mahoney: Okay.

Ms. Valenciano: Okay.

Vice Chair Mahoney: Proceed.

Ms. Valenciano read the Actions Required, Project Description and Use, Legal Requirements, Additional Findings sections of the Director's Report for the record (on file with the Planning Department).

Mr. Dahilig: Marisa, just for the Commissioners to catch up, we're on the September 8th packet, Page 379 of the PDF.

Ms. Valenciano: Okay.

Ms. Valenciano continued to read the Additional Findings section of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: I'll withhold on my recommendation and conclusion until after.

Vice Chair Mahoney: Is there a representative for the Applicant? Would you please state your name for the record?

Mr. Mahon: Good morning, Committee (sic) Chair. Patrick Mahon, the Applicant, representing my wife, Judy, and myself.

Vice Chair Mahoney: Thank you. Are there any questions for the Applicant from the Commission?

Mr. Keawe: Mr. Mahon, can you tell me a little bit about how you went about getting those letters of support that we've looked at as part of your application?

Mr. Mahon: Yes, sir. Simply by reaching out to our neighbors.

Mr. Keawe: Did you actually walk the neighborhood and try to get...?

Mr. Mahon: We did, indeed. We also reached out to members of the community at-large that perhaps are friends. Because there was some opposition voiced, we felt it imperative to provide positive feedback. We did that through, yes, walking the neighborhood, speaking to our immediate neighbors, and generally, simply reaching out for support from our community.

Mr. Keawe: Okay. So in that effort to walk about the neighborhood, there were obviously people that opposed your application.

Mr. Mahon: Yes, that is correct. There were people that are in opposition to that, and we absolutely do not take that opposition lightly in any way. I think what is really important is that

our attempts to assuage the concerns of our neighbors, again, we don't take that lightly and many of the rules actually that we have in place address many of the concerns that the few opposition letters have in place. Once again, it is our home, and it is our neighborhood. We treasure the neighborhood, in fact. It's a very nice little neighborhood and we intend to keep it that way in every aspect of our operation.

Mr. Keawe: And over the years, you've been doing for this ten (10) years or twelve (12) years?

Mr. Mahon: Well, we've lived in the house...I think next month, October 1st, I believe will be our seventh anniversary of purchasing the house. We were in operation for less than two (2) years within the last two (2) years. As with many of the homestay applications that we've attempted to educate ourselves about, we, my wife specifically, once we applied for the tax licenses that we realized we needed, we asked the Tax Department, what else is there? Are there any other permits or any other forms or anything that we may need? When Judy, my wife, went to the Planning desk to ask for that, she was told that there were no other permits or anything necessary. We voluntarily ceased operations when we realized that there were additional permits. We never received a cease and desist notice.

Mr. Keawe: You never received the notice?

Mr. Mahon: No, sir. We voluntarily shutdown for fear of being outside of the permitted process.

Mr. Keawe: Do you do any advertising on the internet?

Mr. Mahon: Not any longer. No, sir.

Mr. Keawe: But when you were active, did you?

Mr. Mahon: We did. We used a rental website that provided traffic, if you will.

Mr. Keawe: Okay.

Mr. Mahon: That has been shut down since April.

Mr. Keawe: Okay, right. So how long have you been shut down now?

Mr. Mahon: Well, since...

Mr. Keawe: When did you discern that oh boy, we have to do something about this?

Mr. Mahon: Well, I believe it was around March that...

Mr. Keawe: Of this year?

Mr. Mahon: Of this year. Yes, sir. The rumblings in the community were that there is a new, perhaps, process in place or that there was a, for fear of a better word, a crackdown on the illegal operations. So we immediately ceased and desisted on our own, and have since remained in a non-operational status, nor are we advertising.

Mr. Keawe: So your original intent, obviously when you came to Kaua'i, that was going to be a vacation home for you? Or...?

Mr. Mahon: No, sir. This is a full-time residence for us. My wife and I moved here, and made this our home. We had a plan in place when we moved here eight (8) years ago, and that involved purchasing a home. We have subsequently decided that sharing our home with visitors was something that we thought would be a venture that we would enjoy, if you will.

Mr. Keawe: So obviously...what kind of occupancy? I mean, how many guests were you welcoming on a yearly basis for your best two (2) years? Do you know how many people or what kind of occupancy you had? Out of a 30-day period, how many times were you rented?

Mr. Mahon: Well, I couldn't give you exact numbers, but I would say that fourteen (14) days of the month would be reasonably accurate (inaudible).

Mr. Keawe: Reasonably accurate. So about half the time you had guests there?

Mr. Mahon: Yes, sir. One (1) of the reasons for that, obviously, is because there are things that I need to do as a homeowner; painting and things like that, and maintenance. In addition, if we weren't going to be present, then there would be no one in residence, obviously.

Mr. Keawe: Okay. And just one (1) last question. So a lot of the letters that you got, were they former clients of yours, or guests of yours?

Mr. Mahon: Actually, I believe a few of them were. Some of them were people that had stayed with us. Some of them are actually repeat visitors.

Mr. Keawe: Repeat visitors. But they were guests of yours at one time?

Mr. Mahon: A few of the letters that we did. Apologies if we bombarded the Committee (sic) with an exorbitant number of letters, but it seemed as though the opposition was vocal enough where it...

Mr. Keawe: Yeah, and I think our responsibility is to make sure that any kind of commercial venture, especially in small neighbors, and that's a fairly small neighborhood, fits in to the fabric of that community. And when you have opposition that raises some concern for us, if that fits in, especially from your neighbors and people that are in the surrounding area.

Mr. Mahon: Yes. In response to that, we specifically tried to address our immediately adjacent neighbors, as well as the surrounding blocks. Our planner, Marisa, as you know, we came before

you in July and we had a difference in the number of notifications that we needed to send to our (inaudible).

Mr. Keawe: Was it a difference or was it timing? Getting adequate notice in time.

Mr. Mahon: Well, I had identified as part of my due diligence for the application process, neighbors within 300 feet, as per the Director's rules of notification. And because the number actually that would meet that criteria was somewhat larger, we deferred the meeting to today. We went and did an additional mailing to all of the properties that were identified, with the assistance of the Planning Department, and here we are today.

Mr. Keawe: Okay, thank you, Mr. Mahon.

Mr. Mahon: Thank you.

Vice Chair Mahoney: Any further questions from the Commission?

Can we hear the recommendations from the Planner?

Mr. Dahilig: Mr. Chair, we do have a recommendation with...Marisa, fourteen (14) conditions?

Ms. Valenciano: Yes. Condition No. 4 is what I passed out to you, and it's basically a standard condition that we include in the homestay applications, and I just forgot to include it in this one. So the Condition No. 4 is going to read "the Applicant shall continue to occupy and reside within the primary residence while the homestay is in operation."

Mr. Dahilig: So that backslash would be an "and".

Ms. Valenciano: Right.

Mr. Dahilig: An ampersand, instead of (inaudible).

Ms. Valenciano: Thank you, Mike.

Mr. Mahon: My wife, Judy, has joined as well.

Judy Mahon: Judy Mahon.

Mr. Dahilig: I guess, if I could pose a question to the Applicant, Mr. Chair. Has the Applicant reviewed the conditions of approval and has no objections, including the change that was just made right now?

Mr. Mahon: We have no objections to any of the recommendations, Mr. Director.

Vice Chair Mahoney: Can you continue with your report?

Ms. Valenciano: Okay.

Ms. Valenciano read the Preliminary Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: The Department had already recommended approval with the fourteen (14) conditions, plus this condition in front of you. Do you need me to read the conditions for you?

Vice Chair Mahoney: No.

Ms. Valenciano: Okay, thank you.

Vice Chair Mahoney: Okay. Chair will entertain a motion.

Mr. Abrams: I'll move to approve Class IV Zoning Permit Z-IV-2015-38, Patrick and Judy Mahon, as amended.

Mr. Katayama: Second.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion on the matter? Hearing none. All in favor? (5 ayes) Opposed? (1 nay) Roll call.

Mr. Dahilig: Mr. Chair, again, this is roll call for the vote regarding Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37.

Commissioner Abrams?

Mr. Abrams: Aye.

Mr. Dahilig: Commissioner Mendonca?

Ms. Mendonca: Aye.

Mr. Dahilig: Commissioner Katayama?

Mr. Katayama: Aye.

Mr. Dahilig: Commissioner Keawe?

Mr. Keawe: Nay.

Mr. Dahilig: Commissioner Ho?

Mr. Ho: Aye.

Mr. Dahilig: Chair Mahoney?

Vice Chair Mahoney: Aye.

Mr. Dahilig: 5:1, Mr. Chair.

Vice Chair Mahoney: Motion carries 5:1. Thank you.

Mr. Mahon: Thank you very much for your time. On behalf of Judy and myself, we do appreciate your efforts on this matter. Thank you very kindly.

Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit (ADU) on a parcel located along the mauka side of Kūhiō Highway in Wainiha, situated approx. 300 ft. mauka of the Ananalu Road/Kūhiō Highway intersection, further identified as 4541 Ananalu Road, Tax Map Key 5-8-006:065, and containing a total land area of 1.156 acres = Chuck Linebaugh.

Mr. Dahilig: Next item, Mr. Chair, is Item F.2.d. This is Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit on a parcel located along the mauka side of Kūhiō Highway in Wainiha. Again, the applicant is Chuck Linebaugh, and Jody is our Planner for this particular matter.

Staff Planner Jody Galinato: Good morning, Mr. Chair and members of the Commission. I'll try to be as brief as possible with the report.

Ms. Galinato read the Actions Required, Project Description and Use, Legal Requirements, Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: I'll hold off on the conclusion and the recommendation now.

Vice Chair Mahoney: Is there a representative for the Applicant? Could you state your name for the record, please?

Stephanie Linebaugh: Good morning, Commissioners and Chairman. My name is Stephanie Linebaugh. I'm the owner of the property. Thank you for your time and hearing our permit request. This is very important to my family. I actually flew in from Chicago last night to make sure I could be here. I have three (3) small children and we are hoping that we get approval such that I would be able to enroll them at Hanalei Elementary next fall. When we purchased the property, we understood that we could build a large single-family residence. We wanted to accommodate our multi-generational family, which is why we have the ADU, the second single-family home application. If there are any questions?

Vice Chair Mahoney: Are there any questions for the Applicant by any of the Commissioners?

Mr. Keawe: When did you purchase the property?

Ms. Linebaugh: It was going on three (3) years ago, so in December of...I think it was 2012.

Mr. Keawe: Okay, so it already had the ADU permit when you purchased it?

Ms. Linebaugh: It did.

Mr. Keawe: And the intent is for your whole family to...?

Ms. Linebaugh: Yes, we (inaudible).

Mr. Keawe: It's a multi-generational. You've got grandma and grandpa, or...?

Ms. Linebaugh: We care for my father-in-law.

Mr. Keawe: Okay.

Vice Chair Mahoney: Any further questions for the Applicant?

At this juncture, we are going to take a recess, so we'll have a fifteen (15) minute recess, caption break. Thank you.

The Commission recessed at 10:24 a.m.

Mr. Dahilig left the meeting at 10:30 a.m.

The Commission reconvened at 10:39 a.m.

Vice Chair Mahoney: We'll resume the meeting. We are on Item 2.d., Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit (ADU) on a parcel located along the mauka side of Kūhiō Highway in Wainiha, Tax Map Key 5-8-006:065, Linebaugh.

Before the recess, we had questions from the Commission. Are there any further questions from the Commissioners to the Applicant?

Okay, hearing none. At this time, is there any public testimony on this issue? If you could come up and state your name for the record, and the Applicant could sit for...and let the... Could you state your name for the record, please? You have three (3) minutes for testimony.

Chance Olanolan: Chance Olanolan. That's my name.

Vice Chair Mahoney: Okay.

Mr. Olanolan: I've lived across the street from this property my whole life. I usually just run up with the horse and the dogs. I hunt up there; that's my way of access into the valley. These people are really nice. I met them not too long ago; Chuck and his wife. They let me access their property every time I want to hunt, so I think it's a good idea for their house to go up over

there since they're really nice people. Because not everybody would let you run a pack of dogs and run a horse through their property, you know what I mean?

Vice Chair Mahoney: I guess so.

Mr. Olanolan: So, I'm all for it.

Vice Chair Mahoney: Okay. Well, that's nice; good neighbor. Thank you. Is there anyone else? Could you please state your name for the record?

David Bracken: Good morning to the Commission. My name is David Bracken; a longtime resident here on Kaua'i. I met the Linebaugh's about a year ago, and they've done a lot of work in getting it to the point where it is. I think they will be a good addition to the neighborhood. They get along with everybody and I'm real happy for them and their family at this property. Thank you to the Commission.

Vice Chair Mahoney: Thank you. Could the Applicant please come back? Once again, any further questions from the Commission to the Applicant?

Hearing none. Could we have the report from our Planner, please?

Ms. Galinato: Sure.

Ms. Galinato read the Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: Mr. Chair, I have eleven (11) conditions. If you'd like me to read them, I can.

Vice Chair Mahoney: Yes.

Ms. Galinato: Okay.

Ms. Galinato read the conditions for the record (on file with the Planning Department).

Vice Chair Mahoney: Thank you. Does the Applicant understand all of the conditions?

Ms. Linebaugh: I do.

Vice Chair Mahoney: Do you have any...?

Ms. Linebaugh: No objections.

Vice Chair Mahoney: No objections to the conditions. Commissioners, Chair will entertain a motion.

Mr. Abrams: Chair, I move to approve Special Management Area Use Permit SMA(U)-2015-9, Chuck Linebaugh, applicant.

Vice Chair Mahoney: Okay.

Mr. Keawe: Second.

Vice Chair Mahoney: It's been moved and seconded. Any discussion on the matter? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 6:0. Thank you.

ANNOUNCEMENTS

Topics for Future Meetings

Mr. Hull: Mr. Chair, we are now on Agenda Item N, Announcements. N.1., Topics for Future Meetings. The Department has submitted topics for future meetings to you; the upcoming Use Permits and Contested Case Hearings. There's no action necessary on it, but if there are any questions or discussion, the Department is available.

Vice Chair Mahoney: Any questions by the Commissioners? Hearing none.

The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on Tuesday, October 27, 2015.

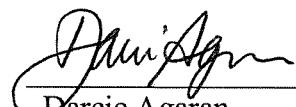
Mr. Hull: Seeing none. Concerning Agenda Item N, Announcements. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i. And the correction to the agenda, it should state "Tuesday, October 27, 2015", and that is the next scheduled Planning Commission meeting.

Vice Chair Mahoney: With no further business, meeting adjourned. Thank you.

ADJOURNMENT

Chair Anderson adjourned the meeting at 10:49 a.m.

Respectfully submitted by:



Darcie Agaran,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.